



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

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GOVERNOR

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Chronic Wasting Disease Task Force
Public Meeting Minutes
August 19, 2003 – 2 p.m.
The Pavilion at Michigan State University

A public meeting of the Chronic Wasting Disease (CWD) Task Force was held on August 19, 2003, at 2 p.m. at the Pavilion at Michigan State University. Those Task Force Members present were:

Dr. Howard Tanner, Chair
Dr. William Taylor, Vice Chair
Dr. George Anderson
Dr. Rosina Bierbaum
Dr. Lonnie King

Also present were Ex-Officio members, staff to the Task Force, and the public.

Dr. Tanner said the Task Force has gathered a tremendous amount of information and felt the process was going very well. He was still not sure if the Task Force would be able to meet the sunset date but was hopeful. He also stated that although he was very sympathetic to the Wisconsin experience with CWD, he felt Michigan could benefit from their situation. He said he was very pleased to have Dr. Julie Langenberg, VMD, Wildlife Veterinarian, Wisconsin Department of Natural Resources, to share Wisconsin's CWD experiences with us. Dr. Tanner said unfortunately, he would have to leave the meeting early and asked Vice Chair Taylor if he would conduct the business meeting.

Upon motion by Dr. Anderson, seconded by Dr. King, the minutes of the July 29, 2003, meeting were approved.

Dr. Taylor then ask Task Force members, Ex-Officio members, staff and the audience, to introduce themselves.

Dr. Steve Schmitt, Wildlife Veterinarian for the State of Michigan, then introduced Dr. Langenberg. Dr. Langenberg stated that she hoped to explain the real story of what Wisconsin has been doing about CWD and point out the issues that Michigan might face as the Task Force moves forward. She explained through a powerpoint presentation that Wisconsin had been evaluating sick and dead deer for over 30 years. In 1999, a statewide surveillance for CWD began as part of the Deer Health Monitoring Program because of elk that were transported into Wisconsin from CWD areas around the country. On February 28, 2002, WDNR officials were notified that three deer harvested in 2001 from one southwest Wisconsin township tested positive for CWD. Within the first week, the State chose a response team that has worked very well for a prolonged response. There

are several agencies involved and many partners, including the federal government and universities. She explained that Wisconsin wants to completely eradicate the disease by dramatically dropping the deer population and they hope to eradicate to as close to 0 as possible within the focus area. She showed a computer model that predicted that if nothing were done to control/eradicate the disease, there would be a population collapse of white-tailed deer in Wisconsin 20 years from now.

She explained that because of the concern and public interest, the decision was made to do intense sampling the first year and over 40,000 deer were sampled, with more enhanced sampling in the infected areas. Over 1,000 volunteers were used along with employees from the Department of Natural Resources. They relied heavily on the DNR web site to get information out to the public and hunters could use the bar code to check on results of their harvested deer. She said last week, a deer that was sick and culled in March of this year, tested positive for CWD and it was found 40 miles outside of the infected area.

She explained various ways of culling the herd, along with rewards for hunters, replacement tags, the earn-a-buck permit system and extended seasons.

Baiting and feeding were discontinued for a length of time and there is legislation pending making the moratorium permanent. However, if the moratorium time runs out and the legislation is not passed, there will be legal baiting and feeding this hunting season.

She said disposal of carcasses was very difficult and landfills refuse to take them due to waste water issues. They are now incinerating the deer that test positive for CWD and that is very costly.

There are over 900 deer and elk farms in Wisconsin, with 16,000 cervid and less than 20 percent have done any CWD testing. There was an audit of white-tail farms and 182 deer farmers reported escapes or intentional releases into the wild, with 436 escaped deer not recovered or returned to farms. Four farms have been quarantined and escapes have been documented on two of those farms.

Private labs have been a problem in Wisconsin because one of the labs stated they had found two deer with CWD, but refused to give the State the tissue that was tested. It took months to get the process worked out and when it was retested, showed no signs of CWD. Legislation is pending that the State retains ownership of tissue and the data from hunter harvested deer.

As far as financial costs, Dr. Langenberg said it will be a long-term effort for the State of Wisconsin and a costly one. Twenty-two percent of hunters last year chose not to hunt due to concerns about CWD and safety of the venison.

Dr. Taylor asked if they knew if the hunters went somewhere else or just didn't hunt at all. Dr. Langenberg remarked that she wasn't sure if hunters went somewhere else or just didn't hunt but they were hoping that all of the hunters would be out this year.

Dr. King said since this appears to be a long-term situation, did the State have the impression that hunters and the public were willing to show interest and support during the long-term. Dr. Langenberg said that was a critical question and would determine the success of the project. She said they are estimating at least a decade and probably more, dealing with this issue. Hunters need to be truly dedicated and without that commitment, they will not be able to eliminate the disease.

Mr. Sam Washington, Executive Director of the Michigan United Conservation Clubs said he was appalled at the number of animals escaping from private cervid farms and felt it was probably true of the industry nationwide. He asked who had authority for policing; the DNR or Department of Agriculture. Dr. Langenberg said the DNR was also surprised by the magnitude of escapes and the Department of Agriculture has oversight of the farms, however, the DNR has oversight when an animal escapes and can cull the animal. The biggest challenge is fencing and the DNR has the authority to enforce fencing regulations over 500 white-tailed farms. However, townships and local sheriffs have oversight over the rest. A number of escapes are due to open gates.

Mr. Washington then asked if there is a provision for the transfer of private farms or closing of facilities. Dr. Langenberg said currently, ownership can be transferred, however, there are requirements. It is tough to get out of the business because they can't release them and if they kill them, they have to pay for testing. She said it's a challenge to make a good choice whether to stay in or get out.

Mr. Tom Carlson asked about fencing requirements. He wondered what the old ones were and what the new ones would be. Dr. Langenberg said part of the old requirements are eight foot fences, however the new requirements are double fencing with ten foot fences. The exception is large acreage farms.

Dr. Schmitt asked if CWD doesn't cause problems for humans or for cattle, why get excited about the disease. Dr. Langenberg stated that they have concerns about the potential impact on the white-tailed deer population and while experts tell them that there is no human or other livestock risks, the residents of Wisconsin have concerns. The State feels strongly that until further research on CWD is done, they need to control and if possible, eradicate the disease.

Mr. Washington asked, in hindsight, what would the State have done had they known CWD was a real possibility. Dr. Langenberg said the surveillance for wild deer would have been enhanced. She said CWD is just one of the threats and Wisconsin should be doing more surveillance for management purposes. She said all of us share the landscape and we humans have modified the landscape.

Mr. Brian Preston, National Wildlife Federation, asked Dr. Langenberg's perception of supplemental feeding. She said the issue of feeding and baiting is a balancing issue of biology and sociology. A complete ban is not realistic but should focus on eliminating the risk for the deer population.

Mr. Richard Sprague asked about the percentage of negative tests he would need to say with confidence that his farm didn't have CWD. Dr. Langenberg said you are never 100 percent certain that you don't have the disease. She said testing would need to be done over at least a five year period.

Mr. Sprague asked whether Wisconsin allowed the buying of wild deer. Dr. Langenberg said the origin of the deer at the two farms that have tested positive were traced to other farms within Wisconsin. She didn't know if any of the deer originated from the wild.

Dr. Joan Arnoldi, State Veterinarian for the Department of Agriculture (MDA), addressed the Task Force concerning the animal identification system. However, she said the State has had some history with private laboratory testing and the MDA was able to designate which labs would be able to test. She said they are dealing with the issues now and the USDA is concerned about private labs. They seem to owe more allegiance to the person who presented the sample than sharing the information they have detected.

There is a national movement towards an electronic I.D. system and Michigan has been piloting them for sometime. The Great Britain and Canadian experiences with BSE have increased the motivation for a national I.D. system and the USDA has been pushing to get it done. By July of 2004, the federal government hopes to have a "premises" I.D. System in place and by 2006, the animals will be identified and states will maintain the animal database. Cattle will be first, then swine, poultry, cervids and other livestock and Michigan desires to be a part of the federal system.

Dr. Arnoldi then introduced Mr. Kevin Kirk, the State I.D. Coordinator for the MDA. Mr. Kirk distributed electronic I.D. tags that Michigan presently uses and said the federal government has been monitoring what Michigan is doing and may pattern their system after Michigan's. He explained the database system and how it can determine movement of animals during their lifetime. He said currently there are 60,000 tags on livestock in Michigan and the retention rate is 98 percent because of where the tag is placed. He showed the handheld computer that can record data right on the premises and explained that it decreased human error and can be done in a matter of minutes. He said I.D. tags will insure the safety of the food supply, maintain consumer confidence and manage animal diseases. When asked about the ear tag lifetime, he said as long as it doesn't fall off, it can last five to six years.

Mr. Preston asked about the timeframe for tagging cervid behind fences and Mr. Kirk said probably 2006. The cost of the tag is \$2.55 and hopefully, when the federal program starts, it will be around \$1.00.

Mr. Washington asked about the range of the handheld computer and Mr. Kirk said 12 inches, however, another tag with the large number of it is on the other ear. It would be beneficial to them to have greater reading distance so they can have wider alleys and can detect fast moving animals grouped together. Michigan is the first to apply in this magnitude and they are hoping the computers get more sophisticated.

Mr. Bill Murphy, Michigan Resource Stewards, asked if other states would be compatible and Dr. Arnolds said if the federal government gets involved, they will be, however, at the time, Michigan has the only true working system in the country.

The Public Comment portion of the meeting then ensued and the first speaker was Mr. George Cullers, a board member of the Michigan United Conservation Clubs and Chair of the Wildlife Committee. Mr. Cullers recommended that the Task Force, 1) place a permanent moratorium on the movement of live cervids into and around the state until there is a live animal test for CWD; 2) that there be joint authority between the DNR and MDA to inspect captive cervid farms; 3) require the captive cervid industry share in the cost of preventing the spread of CWD in the state, the same as required of Michigan's hunters; 4) require double fencing around all captive cervid farms and also a visible tagging/inventory system for all cervids within fences; and 5) increased public education about the threat of CWD to the state. Mr. Cullers presented written testimony for the record.

The next speaker was Ms. Tonia Koppenaal, Associate Legislative Counsel for the Michigan Farm Bureau. Ms. Koppenaal informed the Task Force that the Michigan Farm Bureau represents more than 46,000 members in Michigan and their policies are developed and voted on by farmer members, where they then go to the Annual Meeting and are developed into policy statewide. She explained that the Farm Bureau is opposed to multiple inspections by a variety of entities and that the MDA has done a good job working with the industry. She said cervid livestock operations belong under the MDA for enforcement and it is best suited for livestock diseases. When it was transferred to the MDA several years ago, there was no funding and very little general funds coming into the program.

Mr. Sam Washington stated that when he met with then Governor-Elect Granholm, she asked what MUCC's concerns were about resource management in the State of Michigan. Mr. Washington responded that the number one priority for MUCC was to keep CWD out of Michigan. He said there were very definite steps that can happen to keep it out. A ban on importation should be imposed as long as necessary. He said Dr. Langenberg stated that wild and captive herds are going to come in contact with one another at sometime and it is incumbent upon us to prevent transmission in Michigan. There is no way to insure that we are not importing the disease. He said over a million hunters take advantage of this heritage a year and to open the door to this disease is devastating and irresponsible. He said MUCC will fight a change in the importation status. Mr. Washington presented written testimony for the record.

Mr. Bill Murphy, Michigan Resource Stewards, addressed the Task Force about the need for double fencing and asked that they consider this possibility. He also stated that the DNR must once again be given the primary responsibility in the management of captive cervid operations. He said captive deer and elk are vastly different than livestock and have the ability to affect wild deer and elk herds in ways that livestock cannot. He explained that based on his personal knowledge, there are individuals acting alone or in small groups that partake in the purchase and sale of imported wildlife outside of the regulatory scheme. He urged the Task Force to recommend that a comprehensive audit be performed of the captive cervid industry. Mr. Murphy presented written testimony for the record.

Mr. Bob Filbrandt, Bob's Processing, Inc., with the Michigan Meat Association, told the Task Force that he had been in the meat processing business for over 30 years and lived through e-coli and mad cow disease, however, he has had more people concerned about CWD than any of the others. He said deer processing is a big business in Michigan and he would process 600-800 deer a year but has recently stopped processing deer because of customer concerns. He was concerned about what would happen if a deer he processed would test positive for CWD. It would put him completely out of business. And some states are talking about not being able to batch deer and that would be a real hardship for processors. He said hunters will start processing their own deer and wondered what they would do with the bones and carcass? He said educating the public about CWD is important and he hopes the Task Force can focus on that. Mr. Filbrandt presented written testimony for the record.

Mr. Brian Preston, Regional Organizer for the National Wildlife Federation, addressed the Task Force about a report the Federation had done on CWD. He described the conditions at some deer farms and said commercialization creates incentives for illegal activities. He said it is difficult to maintain an industry like the private cervid farms and prevent illegal activities. He also said that wildlife watching is an industry far greater than hunting and captive cervid and they are in the process of giving up wildlife feeding. People are paying a price for disease prevention. He is very concerned about the Wisconsin audit and said he feels the numbers of escapes are drastically understated. He said the State needs to take a look at the industry. Mr. Preston presented written testimony for the record.

Mr. Dan Marsh, Executive Director of the Michigan Deer & Elk Farmers Association, stated that when the captive deer industry was transferred to the MDA, there was absolutely no money transferred from the DNR with the program. He said since being transferred to the MDA, many new programs were established for the captive farms. He explained that there is a cooperative relationship between farmers and the MDA, based on trust and it has not been easy to maintain this cooperation under the burden of the wildlife diseases in Michigan.

The meeting adjourned at 4:45 p.m.

Note: Mr. Bill Osterman, Ironwood, Michigan, asked and received special permission to have his testimony entered into the record because he was unable to attend the meeting due to the long driving distance.

Testimony to the Chronic Wasting Disease Task Force
George Cullers
August 19, 2003

Dr. Tanner, members of the Task Force

My name is George Cullers. While I am a long-time board member of Michigan United Conservation Clubs and serve as the Chair of their Wildlife Committee, I come here today as an individual who treasures Michigan's wild animal population and wishes to preserve my opportunities to hunt, fish and trap. Chronic Wasting Disease poses a severe threat both to our treasured game populations and our hunting heritage. Michigan must do everything in its power to prevent the spread of CWD into this state.

The Task Force only has to look to the State of Wisconsin to observe the threat this disease poses to wildlife and hunting. After CWD was discovered in Wisconsin, deer license sales declined some 10 percent. A 10% loss in deer license sales in Michigan would mean that 170,000 fewer deer licenses would be sold, or a \$2.5 million decline in license revenue. All wild deer within the 389 square mile zone were targeted for "depopulation" in Wisconsin's effort to eliminate CWD from its free-ranging deer herd. Pick a similar size location almost anywhere in Michigan and literally thousands of deer would be targeted for "depopulation."

In addition, \$12 million of Wisconsin's hunter license revenues and limited state general fund dollars were used to address the problem. It is clear that just as hunters' license dollars have been used to address the TB deer problem in northeast Michigan, and to prevent the spread of CWD, they would also be required in large measure to address the problem if the disease enters our great state.

I understand this task force has made a concerted effort to understand the science and politics of Chronic Wasting Disease. At the end of the day, however, we do not even have answers to the most basic questions such as whether CWD is infectious to humans or other livestock. The answers we do have point to catastrophic risk for Michigan's wild animal population and for hunting. Once CWD is in the state it is here forever. Wild animal populations are at the greatest risk, and hunters will be required to pick up the pieces. Therefore, the state's bottom line must be to prevent CWD from ever entering this state.

I am therefore recommending that the Task Force consider the following:

1. A permanent moratorium on the movement of live cervids into and around this state until such time as there is a live animal test to detect the disease.
2. Joint authority between the Michigan Departments of Natural Resources and Agriculture to inspect captive cervid farms.
3. Require the captive cervid industry to share in the cost of preventing the spread of CWD in this state, the same as required of Michigan's hunters.
4. Require double fencing around all captive cervid farms and also a visible tagging/inventory system for all cervids within fences.
5. Increased public education about the threat of CWD to this state.

Thank you for the time you are committing to this important issue. I look forward to your report.

Date: August 19, 2003

To: Task Force Members, Chronic Wasting Disease Task Force

From: Tonia Koppenaal, Michigan Farm Bureau

Re: Michigan Farm Bureau policy regarding Cervidae program & CWD

Thank you for the opportunity to testify before you today. I am Tonia Koppenaal, Associate Legislative Counsel for Michigan Farm Bureau.

Let me begin by telling you a little bit about Michigan Farm Bureau. We are a member organization representing more than 46, 000 farmer members in the state of Michigan — the largest farm organization in the state. We are a grass-roots organization, in that our policy is developed by and voted on by our farmer members. This process starts at the local level with counties discussing current issues and developing resolutions that are voted on by the county farm bureaus. The resolutions that pass the county process then head to our state annual meeting where approximately 400 farmer delegates voice their opinions on what becomes the navigation plan for our organization. This is done on an annual basis.

That said; I would like to share with you a few excerpts from our 2003 policy book as background for my testimony:

We urge the privately-owned cervidae production industry, Michigan Farm Bureau, Michigan Department of Agriculture, and Michigan State University to continue to work cooperatively to address the marketing, regulatory, and research needs of the industry and the state to facilitate the growth of the industry.

We are opposed to multiple inspections by a variety of jurisdictions.

We support: Adequate support and the resources for dealing with animal diseases impacting agriculture.

As you're already aware, the Privately-Owned Cervidae Producers Marketing Act (PA 190 of 2000) was established by legislature and signed into law by the Governor in 2000; effectively moving these agricultural enterprises under purview of the Michigan Department of Agriculture. The transfer of cervid livestock operations to the Michigan Department of Agriculture was completed in 2002, and there are approximately 1,000 registered cervid livestock operations in the state.

MDA, in partnership with the industry, has tested approximately 1,400 cervids for CWD through a targeted sampling program in the past year. This demonstrates a commitment by the Department of Agriculture, as well as the industry in proactively addressing concerns regarding CWD. Additionally, the Privately-Owned Cervids have been under an import moratorium since April 26, 2002.

It is also important to note that the cervid industry and MDA have been very effective with Bovine TB testing, with approximately 98% of cervid livestock operations having completed multiple Bovine TB tests over the course of the past 6-7 years. The significance of this is that state veterinarians or private, contract veterinarians have been on cervid farms and ranches a number of times in the past few years, having the opportunity to observe the health of these animals.

Cervid livestock operations are just that — livestock operations — as such, they belong under the Michigan Department of Agriculture for licensing, registration, inspection and enforcement. MDA took over the program in 2000, and to date the Animal Industry Division has developed a very workable, comprehensive program for the Privately-Owned Cervidae operations.

The department has responded and worked with the operations on not only CWD surveillance, testing and enforcement, but also in other animal health and disease issues. MDA is experienced in dealing with and is best-suited for dealing with animal diseases in livestock populations, as demonstrated with

Psuedorabies in swine, Equine Infectious Anemia in horses, Avian Influenza in poultry, and Bovine TB in both cattle and cervid livestock operations.

The biggest challenges that the industry and the Department faces relative to CWD is lack of knowledge about the disease (which is true for everyone) and a lack of resources. Based on the progress already made and concerns raised about animal health issues with cervid livestock operations, additional funding for the cervid program is certainly necessary. The Department of Agriculture has for some time been operating this program with no additional funding outside of registration fees. In order to do additional enforcement and surveillance movement, as discussed by this Task Force, it will be necessary to allocate additional resources.

And, it is important that we not segment enforcement from the licensing, registration and inspections of these cervid facilities. This would likely result in more confusion and greater inefficiencies. The expertise in animal health program management, licensing, regulation and enforcement is in MDA; it is important to keep it there. MDA should be the lead agency responsible for working with producers, producer organizations and coordinating DNR, MSU, USDA and other agencies when it comes to livestock health programs, regardless of the livestock or disease in consideration.

With adequate funding, and with the cooperation and involvement of the industry, Michigan Farm Bureau believes that the Department of Agriculture will be able to develop yet another model surveillance and enforcement program for Chronic Wasting Disease. Owners of cervid livestock operations are incredibly passionate about the health and well-being of their livestock and livelihood, as such the industry supports aggressive testing, and regulation, to identify control and eliminate animal disease.

Thank you again for the opportunity to testify before you today.

Testimony to the Chronic Wasting Disease Task Force
Sam Washington, Executive Director, Michigan United Conservation Clubs
August 19, 2003

Michigan United Conservation Clubs has been at the forefront of the fight to prevent the spread of Chronic Wasting Disease (CWD) into Michigan's wild cervid population. In April of 2003, MUCC's Board of Directors unanimously passed a resolution aimed at preventing Chronic Wasting Disease from entering into this state. Since that time, we have embarked on a comprehensive public relations campaign utilizing our magazine, television program and other media to educate our members, citizens and elected officials about the significant threat poised by CWD. Because of the efforts of MUCC, Michigan's citizens are aware of the risks Chronic Wasting Disease poses to Michigan's wildlife population, hunting heritage, and economy.

MUCC has advocated for the following actions as outlined in our resolution:

- A ban on the importation of all deer, elk and exotic game species except boned meat, capes and antlers into Michigan until there is a live animal test that is effective in diagnosing CWD in all cervid species.
- A moratorium on the registration of new privately owned cervid farms.
- No expansions of existing captive cervid farms and the installation of double fencing at all existing farms.

Michigan United Conservation Clubs has and will continue to oppose lifting the moratorium on the importation of cervids into this state. In addition, we oppose any certification program until such time as the program includes the live animal test.

We applaud the Governor and the Lt. Governor for creating this task force. In addition, we strongly support the efforts of the Michigan Departments of Natural Resources and Agriculture to protect our state's wild animal population from CWD. The efforts are a model of coordinated planning and action. We believe that the state has been proactive and decisive in their approach to head off CWD.

However, MUCC has a growing concern over the adequacy of inspections and enforcement of regulations over the captive cervid industry in Michigan. The task force has listened to testimony regarding the limited legal and human resources the Department of Agriculture has for enforcing the moratorium and providing

oversight of captive cervid farms. MUCC believes that there must be stronger enforcement tools in regards to this industry. We recommend that the responsibility for inspections be shared between the Michigan Departments of Agriculture and Natural Resources. In addition, we recommend captive animals be tagged and or otherwise visibly marked. Increased inspection and enforcement ability over captive cervids will prevent the spread of CWD into the wild cervid population and the collapse of the captured cervid industry.

MUCC is also very concerned about the cost borne by the hunters and anglers of the state for preventing the spread of the disease. Preventing the spread of CWD into Michigan is a state priority and resulting costs should be borne not just by the hunting community of this state. We understand that the Game and Fish Fund is currently paying for a portion of the prevention effort, this portion should not increase in the future.

Michigan's wild cervid population is of tremendous value to the people of this state. Over three quarters of a million hunters contribute at least \$400 million to the state's economy each year. All of Michigan's citizens enjoy the grace and beauty of our 1.9 million deer herd. The successful reintroduction and management of our elk herd is a source of great pride. Elk tags are treasured by the limited number of hunters that have received them since 1984. We must do whatever we can to protect these natural treasures and Michigan's outdoor heritage.

Thank you for your time. We appreciate your dedication to preventing the spread of CWD and will work to support your efforts.



"Resource Professionals Continuing a Tradition of Service"

MICHIGAN RESOURCE STEWARDS

Affiliated with Michigan United Conservation Clubs, the Michigan Land Use Institute, and the Michigan Environmental Council

Presentation Before the Chronic Wasting Disease Task Force August 19, 2003

Good Afternoon. My name is William Murphy, and I am president of the Michigan Resource Stewards, an organization comprised of about 100 former resource professionals from the Michigan Departments of Natural Resources and Environmental Quality, as well as other organizations and agencies. As an organization we are active in the development of sound public policy and laws relative to our natural resources and environment. We believe that decisions affecting our vitally important natural resources must be scientifically sound, and in the interest of the resource and the public, as opposed to narrow or short-term interests. I made a brief presentation to this task force at the June 2nd meeting, and I appreciate on behalf of the organization I represent the opportunity to speak to you once again on this very important topic.

I wish to restate that nothing I say is in any way meant to reflect negatively on the work done by the agencies and personnel who have devoted countless hours to this problem. The Departments of Agriculture and Natural Resources are to be commended for the outstanding and tireless efforts their staffs have contributed. We commend them for their professionalism and dedication.

This issue is not about agencies or the concept of assigned responsibilities. It is about the absolute need to ensure, through all means possible, that CWD does not enter Michigan: neither in our wild herd nor the captive cervid herds within the State. This must be the underlying goal, and all else must fit into this effort – not the other way around. We can't adjust our goal to meet existing laws or current ways of doing things. Much has already been said and written about the extreme fiscal and economic implications, and of course the biological impacts, if this disease obtains a foothold in Michigan. It must be our goal to ensure this does not happen.

At the July meeting a speaker representing the captive cervid industry urged you to avoid "junk science" in making your decisions. I certainly agree that junk science is never the right path to follow, however, I urge you to not dismiss the very real concerns of a great many people by having these legitimate concerns labeled as "junk science". There are gaps in the scientific knowledge of this disease and how it spreads. When dealing with technical unknowns, and with so very much at stake for the State of Michigan, cautious science is not junk science – it is only good public policy. Another speaker at the July

meeting expressed concerns about captive cervid operators being told what to do with their land and animals. While private property rights are very important to all citizens, the overriding necessity of protecting the public, and the public's trust in the protection of our wildlife resources, must take precedence. This is a well accepted concept in American law and public policy. Protecting our wild deer and elk herds and the interests of those millions of people who value them, must be paramount in your decision-making process. Likewise, the economic well-being of small business owners across the state that depend on tourism and outdoor recreation must be given a priority above those of limited special interests.

In my last presentation I briefly mentioned the possibility of requiring double fencing on captive deer and elk facilities. I believe that this Commission should give that idea serious consideration. From reports I have read, in Wisconsin captive deer escaped due to fences being knocked down by fallen branches caused by a storm. A requirement of double fences will lessen the likelihood that this could happen in Michigan. A single fence also allows nose-to-nose contact between wild and captive animals. This type of contact is a vector for the spread of TB or other disease, which would be eliminated with double fencing. Dr. Mike Miller of Colorado called double fencing a "very important tool" at your July meeting. The MI Resource Stewards support that finding and encourage you to consider this possibility.

I wish to also expand on another item that I proposed at the June meeting. That is, that the DNR must once again be given the primary responsibility in the management of captive cervid operations. Despite assertions by captive deer and elk operators that their animals are simply another form of livestock, they are in fact vastly different than livestock. Captive individuals of a normally wild species have the ability to affect wild deer and elk herds in ways that livestock cannot. There are also unique legal requirements that are applicable to captive cervids that do not apply to livestock. This is fundamentally a wildlife protection and management issue – not an agricultural issue. During the mid and late 1990s many states and provinces, at the encouragement of the captive cervid industry, moved regulatory responsibility of these operations from the natural resource agencies to the agriculture departments. Many sportsmen and resource professionals opposed the transfer of regulatory oversight fearing the long term implications on wildlife. Nothing has happened to alleviate those fears. In fact, the coincidental increase in the geographic scope of this problem that has occurred during the period that this regulatory transfer has been in place cannot be ignored. Again it must be stressed that management of these operations is a wildlife protection matter – not an agricultural endeavor.

DNR Conservation Officers and biologists must once again assume an active role in inspection and enforcement at captive cervid facilities. I believe that this Commission should recommend that necessary changes in funding sources occur that would legally allow the DNR to once again actively participate in this program.

Please also keep in mind that to this point we have been discussing only those facilities that are licensed and voluntarily part of the inspection and reporting process. Based on

my personal knowledge and experience I know that there are individuals acting alone or in small groups that partake in the purchase and sale of imported wildlife fully outside of the regulatory scheme. They don't have facilities to inspect, they don't submit monthly reports, and they don't have a framed permit hanging on their office wall. Conservation Officers with criminal enforcement skills and tools provide the only effective means of apprehending these violators.

Finally, I urge this Commission to recommend that a comprehensive audit be performed of the captive cervid industry. Independent and verifiable information collected by a team of recognized professionals is needed to better understand the extent of trade in captive animals.

That concludes my presentation. Thank you once again for the opportunity to be part of this information-gathering process.

William Murphy
Michigan Resource Stewards
August 19, 2003

A handwritten signature in black ink, appearing to read "Wm. Murphy", with a stylized flourish at the end.

August 18, 2003

Deer processing, plus all the value-added products, jerky, summer sausage, snack sticks, etc., is a multi-million dollar business for Michigan. If we loose deer processing, lots of jobs will be affected.

In our operation we quit processing whole carcass deer partly because of the fear and unknown of CWD. This put eight part time jobs out the window. We quit because of the fear of cross-contamination and from the uncertainty of it. This is one of the things that needs to be found out. The not knowing is the biggest problem. The more packers who quit processing deer because of CWD the more hunters will be doing their own deer processing. The potential of problems from hunters not taking care of their animals in a sanitary way will become much a greater problem.

The hides and bones will be dumped all over the country instead of landfills. There is more danger with hunters doing their own processing, than has been proven so far from CWD.

The processor needs to know if deer will be able to be batch processed. If not, this could be the end of deer processing for the licensed processor. It is impossible to process deer any other way and make money to stay in business or it would drive the price up so high the hunter would have to do his own.

Will the State be testing all deer or spot-checking? Who will pay for this? How long will the test take and who will pay for the storage while waiting for the test results? What will happen to the processor who has a deer come through with a positive CWD test? What will the States action be then?

The public must be educated. Will the State do this? Will Insurance Companies cover processors for the liability of CWD?

What can processors do about customers that refuse to pickup their deer out of fear of CWD? Where does the carcass go when renderers refuse to take it and who pays?

Bob Filbrandt,
Bob's Processing, Inc.
Michigan Meat Association.
269-637-5739

M E M O R A N D U M

TO: Chronic Wasting Disease Task Force

FROM: Brian Preston, Regional Organizer

DATE: August 19, 2003

RE: **Written Comments for August 19, 2003 Public Hearing**

Introduction: The National Wildlife Federation is a non-profit conservation organization. In Michigan, we represent 38,000 members along with 179,000 activists and financial supporters. These comments are intended to present our relevant national wildlife policy, along with the science and economic concerns of the captive cervid industry as it exists today.

Our intent is to follow-up in the September Public Hearing with the presentation of our recently completed research paper *Chronic Wasting Disease – History, Management and Impact* which is currently in final peer review. We also intend to make our formal recommendations to assist the Task Force in the development of a comprehensive CWD prevention strategy.

Policy Background: In March of 1991 delegates from the 46 State conservation organizations that constitute the governance of the National Wildlife Federation voted resolution 23-1991 into policy. That policy states:

Whereas our nation's wildlife belongs to its citizens and is held for them, in trust, by the state and federal governments; and the privatization and commercialization of big and trophy game species greatly increases the opportunities and incentives for illegal activities, increases the risk of wildlife disease transmission, increases the construction of game-proof fences which restrict movement of free-ranging wildlife..... and the privatization and commercialization of big and trophy game species abrogates the longstanding authority of state and federal agencies to hold and manage these resources in the public trust;

Now, therefore, be it resolved that the **National Wildlife Federation is opposed to the private ownership and commercialization of free roaming, big and trophy game animals.**

Basic Points and Principles

- Excessive population density is a fundamental concern of professional wildlife managers
 - recommended healthy densities range from 20-50 per square mile
 - captive herds in Michigan produce **densities in excess of 7,000 deer per square mile**
- Commercialization creates incentives for illegal activities
 - back door venison sales
 - theft of free-ranging animals
- Violates Public Trust Doctrine
 - property rights do not include wildlife ownership

Disease Prevention

State wildlife agencies have generally opposed game farms, with a major concern being the potential for transmission of diseases to wildlife. Serious disease outbreaks have been documented among captive North American elk herds in recent years. The following diseases are considered to be some of the most important: malignant catarrhal fever, bovine tuberculosis, Yersiniosis, Johne's disease, chronic wasting disease and a variety of parasites including lungworms, flukes, tapeworms and meningeal worms. The current technology of disease testing is unable to assure with absolute certainty the absence of tuberculosis, chronic wasting disease and other diseases in individual animals. The impacts of these diseases upon wild, free-ranging elk populations could be significant and lasting. Potential transmission routes include fence line contact, ingress and egress of free-ranging animals and contamination of the environment with pathogens.

Antiquated Regulations

Regulations in most states were formulated when game farms were primarily licensed to raise sport birds. Many regulations are vague or subject to a variety of interpretations. This lack of control and oversight, coupled with industry growth and resultant widespread movement of animals between facilities in the farming and hunting preserve industry, has allowed large numbers of live animals to move all across the continent with minimal control or testing. As a result, bovine tuberculosis was diagnosed in farmed elk in 1990, and CWD in 1996. There is in fact some evidence to suggest that CWD has been present in farmed animals since at least the late 1980s.

Economics

Though the game ranching industry has claims to generate millions, its operations have contributed to serious wildlife disease threats (tuberculosis, CWD, meningeal worms, etc.). These diseases endanger the revenues generated by wildlife viewing and hunting and cost millions in government aid. According to the 2001 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation (U.S. Department of the Interior, U.S. Department of Commerce and the U.S. Census Bureau).

- **Hunting related expenditures in Michigan totaled over \$490 million by 754,000 hunters in 2001.**
- Wisconsin experienced initial loss of revenues estimated at \$80-120 million last year
- **Estimated loss of revenues in Michigan would be \$50-75 million in the first year**
- This represents only initial first year losses
- These numbers do not include impacts to Michigan wildlife watching revenue which is currently \$692 million annually

Industry Management

Fundamental management practices require "due diligence" before making management decisions on any process, operation, or industry. Effective management practices and oversight policy can not be developed without first performing due diligence on the captive cervid industry. The recent Wisconsin captive cervid facility Audit produced 460 total violations out of 550 facilities. This high percentage of violations demonstrates that "well

regulated” does not mean compliance. Before any long-term regulatory and oversight policy is determined there should be a full audit of every licensed facility to include:

- Physical Facility
- Records Review
- Financial

Conclusion

Weaknesses in regulation of game farms must be addressed and those in charge must be held accountable for their actions when the interests of a relative few are valued over the interests of our national wildlife heritage. The rampant commercialization of wildlife runs against the norms that have dominated U.S. wildlife policy since the early 20th century. States have little to gain and much to lose by encouraging game farming.

**PRESENTATION OF THE MICHIGAN DEER AND ELK FARMERS
ASSOCIATION TO THE CWD TASK FORCE**

August 19, 2003

Submitted by Daniel Marsh, Executive Director

The following information has been gathered from reports and presentations on compliance and enforcement activities concerning CWD, the privately owned cervidae production industry and the MDA and MDNR. Michigan's privately owned cervid (deer and elk) operations have been recognized an agricultural operation by the people of Michigan as evidenced in legislation. In 1994, the Animal Industry Act, (Public Act 466 of 1988), was amended to include cervidae livestock and to establish various import, movement and testing requirements for these animals. This recognition was further affirmed when the Michigan legislature unanimously passed the "Michigan Privately Owned Cervidae Producers Marketing Act," (Public Act 190 of 2000) which became effective in June of 2001. This Act defines, develops, and regulates privately owned cervidae as an agricultural enterprise in Michigan and provides power and duties of the MDA and other state agencies and departments as well as penalties and remedies for compliance and enforcement of the act. The background on how this particular piece of legislation needs to be brought forward again since it was the cooperative efforts of a diverse workgroup led by the Michigan Department of Agriculture (MDA) and Michigan Department of Natural Resources (DNR) which developed the legislation in 1999. Members of this workgroup included groups and individuals who had a legitimate interest in the future of the cervid industry. The group included representatives from the Michigan Departments of Agriculture, Natural Resources and Environmental Quality; the Michigan Farm Bureau; the Michigan deer and elk farming industry, Michigan State University; Michigan United Conservation Clubs; and Safari Club International, requiring all privately owned deer and elk farms to follow comprehensive and strict protocols to ensure the integrity of both Michigan's farm-raised deer and elk and the state's wild white-tailed deer and elk herds. Specifically, the law clarified MDA's responsibility to oversee the registration and inspection of the state's privately owned cervid operations.

The law was hailed as a resounding success for the people of Michigan and it was demonstrated in the vote of the legislature ---there was not a single “no” vote in the both the house and the senate for PA 190 and each of the members of the work group supported the bill passage. This unanimous support by the groups with diverse and often times conflicting interests in the captive cervid industry demonstrates overwhelming support and encouragement for the Michigan privately owned cervidae production industry. During those discussions, issues regarding disease and animal health were a constant concern for the members. CWD and the issues surrounding this disease and any other disease which could be transmitted between cervids, livestock and/or humans were considered in the workgroup process. The legislation establishes adequate safeguards by specifically identifying appropriate regulations to address the issue to everyone’s satisfaction.

A significant issue addressed during the process of developing PA-190 was the fact that even though the MDNR was the agency designated with the duty of overseeing the permit process for privately owned deer, there were no MDNR funds identified to move over to the MDA to support the oversight and registration of the privately owned cervidae production industry. In fact, the MDNR as the agency designated with the duty of overseeing the permit process for privately owned deer, they expended zero (-0-) dollars on oversight and enforcement of the industry. This fact challenged the workgroup to find ways to develop and maintain a credible program without funding and not change authorities of the agency, a primary concern of the MDNR. The MDA was logically charged with this duty. However, without additional resources to accomplish the legislative mandates set in the new law, the MDA has been relegated to using existing funds at a time when funds were going towards problems caused from bovine tuberculosis maintaining itself in the wildlife deer herd and infecting cattle and dairy herds causing economic hardships for farmers in the Northeast and throughout Michigan.

In the two years MDA has had the responsibility for the deer and elk registration program, they have made some positive efforts to minimize risk. A new registration based on animal movement has been developed and implemented. Enforcement mechanisms have been put into place and carried through for the first time ever in the history of the Michigan privately owned cervidae production industry. Where fencing was not ever inspected in the past, it has now been accomplished by the MDA for every existing cervidae production facility and every new facility along with regular, mandatory inspections of all perimeter fencing, and submission of these fence inspection reports to MDA annually. Also, increased documentation is now required by the MDA from privately owned cervidae producers. These include animal records of all additions to a herd, all losses from a herd and all health certificates and test results of animals in the herd; all of which are reviewed by MDA veterinarians, the states animal health experts. Movement of some cervidae has been restricted between operations within the state based on the type of the cervidae operation (essentially no live animals can be moved from hobby and ranch operations).

Another major accomplishment for PA 190 has been the development of a strict recovery protocol for potential deer and elk escapees. While still being completed, this first of its kind program has been implemented without additional resources of neither funding nor personnel.

One of the most significant parts of PA-190 was the elimination of private individuals to obtain title to free ranging white-tailed deer and elk due to the establishment of a privately owned cervidae facility. The previous law allowed wild deer to be legally purchased from the people of the state. This one point was supported whole heartedly by all work group members. The possible impacts of disease risk between domestic deer stock and wild deer was all too real from the Bovine TB situation in NE Michigan. The deer and elk industry led a charge requiring mandatory TB testing of ALL privately

owned cervidae. It should be noted that this requirement was put in place legislatively by the industry BEFORE similar testing was implemented for the remainder of the livestock industry in the state. When a single privately owned deer herd was discovered with bovine tuberculosis, a hue and cry went out declaring deer ranching as the cause of TB in the northeast. The privately owned cervidae production industry tested, at farmer expense, for TB in over 95% of the privately owned deer and elk without a single positive result. Those facts have led to the conclusion espoused by the USDA that the single case of bovine TB maintaining itself in the privately owned deer herd was the result of purchasing infected deer from the endemic area.

The provisions required by Act 190 and Michigan's Animal Industry Act help MDA and the state prevent, monitor for and respond to animal health issues and diseases. The Animal Industry Act as amended also establishes a mandatory disease reporting system complete with response and compliance requirements. The TB Eradication Program and its accompanying surveillance and testing requirements have been an important surveillance component for CWD as virtually all of the state's privately owned cervid have been tested in the past couple of years. Surveillance and monitoring over the cervidae production industry has been swift, sure, and effective since MDA has assumed duties. Because of this extensive testing, MDA was able to submit its application for designation as a "Captive Cervid Bovine Tuberculosis-Free State" to the U.S. Department of Agriculture in April of 2002.

The MDA also coordinates state, federal and private veterinarians to conduct all disease testing. This includes providing these specialists with training in cervid management and medicine. These professionals are considered Michigan's first line of defense that must be very aware of the general overall health of these animals and take the necessary measures to assure an alert is sounded for CWD or other diseases on significance. MDA is also conducting mandatory CWD surveillance and testing of all mortality from privately owned cervid herds. This is conservatively estimated at approximately 1,700 to 2,000 animals yearly.

Ensuring appropriate laboratory capacity and testing ability is also a critical component of animal disease surveillance. MDA has worked tirelessly to help the Diagnostic Center for Population and Animal Health, on Michigan State University's campus, become accredited by the U.S. Department of Agriculture to ensure timely, accurate and officially-recognized test results. Finally, licensed rendering facilities within Michigan are banned from allowing any ruminant (cow, sheep, goat or deer) derived products from entering the ruminant feed chain to prevent any possible transmission that may occur that way. To help ensure the ban was being adhered to, feed inspectors from the Department's Pesticide and Plant Pest Management Division randomly checked 10 deer and elk facilities across the state in 2002; all were found in to be in compliance and were aware of the restriction.

As the above information clearly demonstrates MDA has taken its responsibility seriously and has taken every possible precaution to prevent CWD from affecting Michigan's privately owned cervid population.

However, in the event that CWD is detected in the state, MDA and DNR have cooperatively developed a comprehensive and aggressive contingency plan that would be activated immediately upon discovery of the disease. The specific response to any CWD confirmation will be based upon where it has been found and how many animals have been detected.

Since the MDA has taken leadership responsibility for the regulatory oversight of the Michigan privately owned cervidae production industry, they have created variety methods to ensure the Privately Owned Cervid Operations are fulfilling State Requirements and are complying with all state laws and regulations. These activities include:

- In cooperation with the cervidae production industry, MDA has established a cervid advisory committee to share information and ensure that MDA is aware of and understands emerging deer and elk farming industry issues and concerns.

- Holding informational meetings with the deer and elk farming industry and/or leadership to ensure awareness of and compliance with current requirements.
- Conducting full inspections before a facility is licensed plus at least once every three years.
- Closely reviewing all required documentation, for example, animal inventory and test records and fence inspection reports to verify complete and accurate information.
- Following up on all complaints and investigating all possible violations.

As a final note, it must be mentioned that MDA's Animal Industry Division houses a Compliance Unit with two full-time compliance officers with law enforcement backgrounds whose sole jobs are to enforce the state's animal health, safety and disease requirements. Future plans include hiring two additional compliance officers and administrative support staff.

The MDA is now conducting inspections, enforcement, and oversight never before seen towards the privately owned cervidae industry for the benefit of the people of Michigan. The people of Michigan have spoken loudly that the appropriate agency to have sole regulatory authority for monitoring and compliance over the privately owned cervidae industry is the MDA. The CWD Task Force is encouraged to recommend funding to the MDA to allow the agency to continue the duties and responsibilities the people of Michigan have conferred upon the agency.

Written Comments by Mr. Bill Osterman, Ironwood, Michigan

I would like to suggest the repeal of the new law stating that deer from CWD states not be allowed into the State of Michigan. I've done some looking around and found that other states have at one time had similar laws in effect. They later changed the law back allowing game to be brought in to allow processing of the animal. The DNR could enact laws stating a time limit that an animal being brought into the state be processed and the proper disposal of the bones and brain material. We could do such things as double bagging the remains and disposing it in areas that it won't be introduced into the Michigan ecosystem.

I also do not want to see CWD show up in our state. I make a living off of the wildlife along with enjoying the chance of harvesting animals each year. However, this new law will greatly cut down on the amount of work I will be able to get into my shop each year, as I live right on the Wisconsin border in Ironwood, Michigan. Enough work comes across the border to keep me busy for the whole year and I would hate to start turning folks away because of the new law. The way I see it, this will only hurt the honest folks that are willing to obey the laws as is. The taxidermist is forced into following the laws due to the fact that they never know when the warden may show up at the door and want to take a look in the freezer. The law will be awfully hard to enforce outside of this. The taxidermist is just trying to put food on the table and keep from losing the house to the bank. I think for the most part, all taxidermists feel the same way; not wanting to hurt the resource while still being able to profit from it. Most would be willing to go the extra mile to ensure all remains are taken care of as not to let the disease get into our state.

With the economy in the dumps the way it is right now, it would be a hard pill to swallow to lose even more business over something that might be able to be solved in a less drastic manner. As of right now, there is no known CWD anywhere in the area of Wisconsin where I live near. The state makes specific laws to the TB that we have in the state; might it be possible to limit deer into the state from only known infected areas of CWD? I understand that it is hard to get a point across in this matter but it is the best I can do with the meetings being such a distance from my area.

In closing, I would again just like to state that laws will only hurt the honest folks that make a living in this fashion. There must be a way to fix the problem without affecting people in a financial matter.